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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/740,784	12/21/2000	Stefan Feuchtinger	Q62359	6391

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EXAMINER

LEE, JOHN J

ART UNIT	PAPER NUMBER
2684	

DATE MAILED: 06/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/740,784

Applicant(s)

FEUCHTINGER ET AL.

Examiner

JOHN J LEE

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 10-13 is/are rejected.
- 7) ☒ Claim(s) 8 and 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.
2. Applicant's arguments with respect to claims 1 – 12 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
4. **Claims 1-7 and 10-13** are rejected under 35 U.S.C. 102(b) as being anticipated by Zicker (US Patent number 5,794,141).

Regarding **claim 1**, Zicker discloses that a radiotelephone terminal unit (22 in Fig. 2) for a subscriber (18 in Fig. 1), said radiotelephone terminal unit (22 in Fig. 2) (column 4, lines 7 – 56 and Fig. 1). Zicker teaches that a portable terminal (18 in Fig. 1) which is configured to be carried around by a user allowing said user to communicate by radio with a communication network (30 in Fig. 2) via a relay transceiver station (24 in Fig. 1) (Fig. 1 and column 4, lines 25 – column 5, lines 3, where teaches handset unit couples to central telephone office through public switched telecommunication network (28 in Fig. 1)). Zicker teaches that a radiotelephone terminal (22 in Fig. 1) which is complementary to said portable radiotelephone terminal (18 in Fig. 1), configured to remain in place, said

radiotelephone terminal (22 in Fig. 1) further configured to be used conjointly with said portable terminal (18 in Fig. 1) when connected to said relay transceiver station (24 in Fig. 1) by a call set up via said station (Fig. 1, 4, 6, column 4, lines 25 – 56, and column 7, lines 13 – 65 where teaches the cordless base station (22 in Fig. 1), which is fixed location, communicates and corporately associated with the portable handset and connects with central telephone office as operates for call set up). Zicker also teaches that wherein complementary function of said radiotelephone terminal (22 in Fig. 1) and said portable terminal (18 in Fig. 1) can be employed by the same user having simultaneous access to both terminals (Fig. 1, abstract, and column 4, lines 25 – column 5, lines 3, where teaches the wireless handset employed by the same user having simultaneous access to both terminals, which are cordless terminal and cellular terminal).

Regarding **claim 2**, Zicker discloses that the portable terminal and a radiotelephone terminal are equipped with man-machine interface means and software means, which are at least partly complementary (Fig. 1, 6, 8 and column 12, lines 20 – column 13, lines 18).

Regarding **claim 3**, Zicker discloses all the limitation, as discussed in claims 1 and 2. Furthermore, Zicker further discloses that enabling them to communicate by radio with the relay transceiver station of communication network via a respective different radiotelephone link during a call involving said portable terminal (Fig. 1, 6, 8 and column 8, lines 44 – column 9, lines 57).

Regarding **claim 4**, Zicker discloses all the limitation, as discussed in claim 1. Furthermore, Zicker further discloses that enables the portable terminal to communicate

by radio with the relay transceiver station of the communication network via a first link, and with a radiotelephone terminal via a second link when the portable terminal is within radio range of both the relay transceiver station and the portable terminal (Fig. 1, 2, 6, 8 and column 5, lines 20 – column 6, lines 5).

Regarding **claim 5**, Zicker discloses all the limitation, as discussed in claims 1 and 3. Furthermore, Zicker further discloses that portable terminal enables the relay transceiver station and the radiotelephone terminal, to communicate with each other via the radiotelephone links which selectively connect the portable terminal and radiotelephone terminal to the relay transceiver station (Fig. 1, 2, 8 and column 5, lines 4 – column 6, lines 5).

Regarding **claim 6**, Zicker discloses all the limitation, as discussed in claims 1 and 3. Furthermore, Zicker further discloses that the radiotelephone terminal complementary to the portable terminal is connected by a cable link to the communication network to which the portable terminal has radio access via the relay transceiver station (Fig. 1, 2, 8 and column 4, lines 25 – column 5, lines 3).

Regarding **claim 7**, Zicker discloses all the limitation, as discussed in claims 1 and 3.

Regarding **claim 10**, Zicker discloses all the limitation, as discussed in claims 1 and 4.

Regarding **claim 11**, Zicker discloses all the limitation, as discussed in claims 1 and 6.

Regarding **claim 12**, Zicker discloses all the limitation, as discussed in claims 1 and 2.

Regarding **claim 13**, Zicker discloses all the limitation, as discussed in claims 1 and 3. Furthermore, Zicker further discloses that programming so that both the portable terminal and the radiotelephone terminal are active simultaneously in the same call so that signals transmitted to the relay transceiver station can come from either the portable terminal or the radiotelephone terminal when a call is set up (abstract, Fig. 1, 3, 4, and column 6, lines 35 – column 7, lines 65).

Allowable Subject Matter

5. Claims 8 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record fails to disclose “transmitter means enabling it to transmit a broadcast control channel carrier with a particular power that can be modified to another radiotelephone terminal including means enabling it to detect said carrier when it is within radio range of a terminal which includes said transmitter means, so as to enable said two terminals to communicate simultaneously and conjointly with the relay transceiver station of a communication network as the terminal having all functions specific to each of said two terminals” as specified in the claims.

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6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Guenther (US Patent number 6,356,762) discloses Method for operation of a Radio System and System to Execute the Method.

Schellinger et al. (US Patent number 6,052,595) discloses Selecting a Communication Channel.

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Holmes (US Patent number 5,875,395) discloses Secure Equipment Automation
Using a Personal Base Station.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 308-6606 (for informal or draft communications, please label
"PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal
Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to **John J. Lee** whose telephone number is **(703) 306-5936**.
He can normally be reached Monday-Thursday and alternate Fridays from 8:30am-5:00
pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, **Nay
Aung Maung**, can be reached on **(703) 308-7745**. Any inquiry of a general nature or
relating to the status of this application should be directed to the Group receptionist
whose telephone number is (703) 305-4700.

J.L.
June 18, 2004

John J Lee


NICK CORSARO
PATENT EXAMINER